

**2007 No. 1096**

**ENVIRONMENTAL PROTECTION**

**The Greenhouse Gas Emissions Trading Scheme (Miscellaneous Provisions) Regulations 2007**

<i>Made</i>	- - - -	<i>29th March 2007</i>
<i>Laid before Parliament</i>		<i>3rd April 2007</i>
<i>Coming into force</i>	- -	<i>1st May 2007</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to greenhouse gas emission allowance trading.

The Secretary of State makes these Regulations in exercise of the powers conferred by that section.

**Citation and commencement**

1. These Regulations may be cited as the Greenhouse Gas Emissions Trading Scheme (Miscellaneous Provisions) Regulations 2007 and come into force on 1st May 2007.

**Specification of approved national allocation plan**

2. For the purposes of the Greenhouse Gas Emissions Trading Scheme Regulations 2005(c), the document entitled “EU Emissions Trading scheme: Approved Phase II National Allocation Plan 2008 -2012”(d) published by the Secretary of State on 16th March 2007 is specified as the approved national allocation plan for the five year period beginning on 1st January 2008.

**Amendment to The Greenhouse Gas Emissions Trading Scheme Regulations 2005**

3.—(1) In Part 1 of Schedule 1 to the Greenhouse Gas Emissions Trading Scheme Regulations 2005 at the end of paragraph 3.4 (i) (activities of installations for the manufacture of ceramic products) substitute the word “and” for “or”.

(2) Before 1st January 2008 the amendment in paragraph (1) does not apply to an installation for which a greenhouse gas emissions permit was in force for the first scheme phase on the date on which these Regulations come into force.

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(a) S.I. 2004/1984.

(b) 1972 c. 68. Section 57(1) of the Scotland Act 1998 (c. 46) provides that despite the transfer to the Scottish Ministers of functions in relation to observing and implementing obligations under Community law by virtue of that Act, any function of a Minister of the Crown shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972. Paragraph 5 of Schedule 3 to the Government of Wales Act 1998 provides a similar continuing role for a Minister of the Crown in relation to Wales.

(c) S.I. 2005/925 as amended by S.I. 2005/2903, S.I. 2006/737 and S.I. 2007/465.

(d) Published on the Defra website at <http://www.defra.gov.uk/environment/climatechange/trading/eu/phase2/phase2nap.htm>.

(3) In this regulation “first scheme phase” means the three year period beginning on 1st January 2005 and ending on 31st December 2007.

29th March 2007

*Ian Pearson*  
Minister of State  
Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations specify the document which is the approved national allocation plan for the second scheme phase (1st January 2008 to 31st December 2012) of the European Union’s Greenhouse Gas Emissions Trading Scheme for the purposes of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (S.I. 2005/925).

These Regulations extend to the United Kingdom. The “EU Emissions Trading Scheme: Approved Phase II National Allocation Plan 2008-2012” is available from <http://www.defra.gov.uk/environment/climatechange/trading/eu/phase2/phase2nap.htm>.

Regulation 3 amends paragraph 3.4 in Part I of Schedule 1 to the 2005 Regulations with the effect that activities for the manufacture of ceramic products will only be an activity within the scope of the second and subsequent phases of the Greenhouse Gas Emissions Trading Scheme where more than 75 tonnes of products per day are fired in a kiln with a capacity of more than 4 cubic meters, and a setting density of more than 300 kilogrammes per cubic meter. There is a transitional provision in regulation 3(2).

A full regulatory impact assessment of the effect that the second scheme phase national allocation plan will have on the costs of business and the voluntary has been produced for the purpose of submitting the plan for approval to the European Commission, and is available at the same Defra website address set out above.

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